1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

He was a medicine man and a ranking war leader, which meant that he was perforce a man of status, even among the tribal full-bloods. 627x 682 602

In spite of the legal right of a husband to kill his wife, it should be noted however, that from a general social point of view, a man who killed his wives too recklessly was considered mean by the people; yet if he were insensitive to such disapproval, and particularly if he were brave enough to maintain his status through *coups*, there was little to prevent him from being as free a Bluebeard as he wished—except that wives became harder for him to get.

Attempts of wives on the lives of husbands were rare. The one case, given by Talker, is interesting for its many facets, and significant for its outcome. It shows that given time to let the revenge feeling cool, coupled with a recognition of provocation to kill, certain murders might be overlooked.

Case 18. Murder: Wife destroys husband
Informant: Talker (Abstract of History recorded by Jeannette Mirsky.) 627x 682 593

The husband had been abusing his wife in attempts to force a confession of unfaithfulness from her. One day when he had prepared a fire over which to roast her, she seized and stabbed him and cremated him on the pyre he had intended for her torture. Then she fled for many days to the west until she met Ute Indians. There she was adopted as a wife and lived for a season or two. Then she told her entire story, ending, "and then I threw his body on the fire that had been prepared for me. Because both my husband and I have many relatives on both sides, and because I feared a conflict between the two families, I started out so that there might be no trouble between the two families."

Later she escaped and returned to her people. She repeated the whole episode to the dead man's father, and as she finished, all her relatives burst forth in a great wail for the man whom she had slain. But there was no trouble. The dead man's father announced, "Because my son was so mean to her, and because I had tried to talk to him, and he would not listen nor heed my word, and because both our families are respectable, to do anything at this late date would be unbecoming."

Thus there was no feud, no retaliation.

ACCIDENTAL HOMICIDE

Though the Comanches were more rude than other Plains tribes in their failure to recognize composition for murder, they showed more perceptive discrimination than most primitives in drawing a clear line between murder and accidental homicide. Intent to assault was a necessary feature of murder. A clearly defined case illustrating this principle was given by White Wolf. 627x 672●

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×627 ●672 *Case 19. Accidental Homicide*
Informant: White Wolf

"Two young boys were out hunting turkeys one time, when one of them stepped on a dry stick. It scared away the birds, and the other boy got so angry that he shot at his friend. He fell wounded in the side.

"In a panic of fright the boy fled from the spot where his friend lay bleeding on the ground. As he came into the village, he was met by his father, who asked where his friend was. The youth said he did not know; he told his father that his friend had left him an hour or more before, to come home.

"Later on the mother and sisters of the wounded boy got worried; they went out into the mountains calling his name. Finally they heard a low moaning; there, among the rocks, they found their boy lying in blood. In his mother's arms the boy told her he was dying. He begged her not to kill his friend, because it had been accidental. Revenge would not bring him back.

[764] "When the wounded youth died, the parents of his friend covered all the funeral necessities and provided gifts to be buried in the grave with the body."

Whereas murder allowed no adjustment other than death, accidental homicide could be settled by proper payment to the *family* of the deceased. Thus the boy who did the killing was not punished. However, it should be noted that the principals in the case were minors. It may have been otherwise with adults.

1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

In addition to horses, woman must be placed largely in the category of property, for her legal disabilities and low status made her very much a chattel, first to her father and brother, later to her husband. The several facets of this problem have been repeatedly examined in preceding sections. 422 562

In addition, domesticated dogs must be included in the category of private property. They abounded, but were of little economic value or importance save as camp scavengers and to warn of prowling enemies. (Except the notorious Comanche canine, Mákutavai, whose name was on the agency roles for many years as that of an Indian. His owner drew double rations from the government on this ruse.) The number of dogs arose from the existence of a tabu against killing them. Because of their identification with Coyote, dogs are believed to possess some power. To kill one brings bad luck expecially to one's children. People without children trained some dogs as pets, babying them and nursing them like a child. When the band was moving camp, these people would put such dogs on a horse to ride. 422 231

The idea of liability for acts of animals did not exist. There was no recompense for a dog bite. Nor could damages be sought for injuries received from a kicking horse. A quick-tempered man, however, might kill the horse on the spot. In such event, informants said there would be no call for damages to compensate for the horse. So it was with a dog, owned by another person, which was killed in anger. Post Oak Jim thought that "something might have been done about it" if the dog had been given to the owner by a dead friend, but not if the dog had been raised by the owner himself. 672● 231

Finally, in regard to food, principles of generosity placed a sort of public lien upon the game a Comanche hunter brought down. A man who returned to camp with meat was obliged to share it with all who came for some. He had to give the best part to his wife to take to her father. Other portions he gave to those who asked. "If a man won't give it away, they camp on him until he does." This means obligation. But performance was not always spontaneous or achieved. In a hard winter She Invites Her Relatives observed that some people moved out of the camp so that they would not have to share their food with the others. Any persons who came upon a hunter and his game could claim any quarter by touching it. If there were enough claimants, the only part going to the slayer was the hide. The hunter asserted his right to this by seizing the tail. How similar this rings to Eskimo practice! The obligation seems here more than mere generosity; "They would camp on him." Generosity based on ethics appears rather in the buffalo hunt, a communal venture with a prospectively full supply, where the slain brutes were individually claimed. There young men were taught to kill a fat cow or two for the old men, who would even make 574 224

3: Wallace & Hoebel E-4, 5 (1933, 1945) 1952
NO6 Comanche NO6

Government and Law

Among settled peoples with fixed property and diversified economics, the institution of land tenure, the disposition and inheritance of property, the treatment of chattels, and the obligations of contract form the most important aspects of civil law. Yet among the Comanches these had almost no significance. The Comanches had no concept of land value. As herding hunters, land was a matter of unconcern for them, being held neither individually, jointly, nor communally. One may speak of their country as being merely communally occupied. There are no records of any disputes between the bands over hunting grounds. The external boundaries of the Comanchería were not firmly fixed, but vaguely felt. Allies and friends were welcome to hunt and visit, but other outsiders entered on peril of their lives.

Wealth for the Comanches centered largely in horses, as has already been shown; horses were individually owned by both men and women. They were acceptable as a medium of exchange and could be used as payment of obligations in damage suits. Women, too, might be listed in the category of chattel property—first of father and brother and later of husband. Dogs must also be included under the heading of private property. They abounded, but after the acquisition of the horse had little economic value or importance save as camp scavengers and sentries. The idea of liability for the acts of animals did not exist. There was no recompense for a dog bite; nor could damages be collected for injuries received from a kicking horse.

The Comanches owned a number of captives who were chattel property until adopted as brothers by their owners if they were boys or married by their captors if they were girls. There were a few personal slaves held by blood covenant by individual warriors. They were generally captives, Mexicans forming the bulk of the number. A blood ceremony, according to Josiah Gregg, was performed with blood taken from a vein on the back of the captive's hand or arm. The ceremony was repeated whenever ownership of the slave changed. The slave had the right of life, food, and protection, since no one dared molest the property of another, and the owner could sell or transfer him at any time to whomever he chose.[25] There are indications that the Comanches captured and sold slaves merely as articles

[25] Gregg, *op. cit.*, 434.

32› Gilles O,X-3 (1902-c.1910) 1974
NO6 Comanche NO6
Oklahoma

452 Soon I came to a slip with a mistake of a dollar in the Indian's favor.
797 It was my mother's writing. The Indian had brought back a pair of girl's shoes, taken another pair that cost more, and also bought supplies —groceries and dry goods. I called the preacher's attention to the mistake, and he agreed. "Yes, it should be a dollar more." And he wrote it down that way. When he totaled the entries, the amount was exactly a dollar more than the amount I had given him.

During the auditing of the slips, both the minister and the Indian had remained grave and distant. The atmosphere wasn't friendly. Maybe they were embarrassed. I was. I was only in my fifteenth year, though I was operating in an adult sphere. My head was only a fifteen year-old head, and the same went for my experience. It was the first time anyone had seen fit to check our bookkeeping. In a way, I was feeling accused.

But when the preacher explained to Wer-que-yah, in the Comanche tongue, that our bookkeeping was honest, there was a bit of a lilt to the missionary's voice. And now the Indian was all smiles. As we arose from the ground, he exclaimed, "Wano! Wano!" a number of times and patted my back vigorously.

Then it was Reverend Deyo's turn. He extended his hand, saying, "I want to thank you for dealing with *my people* honestly. I checked your prices. I already knew you sell to the Indian and the white man at the same price. I shall tell *my people* you deal honestly. Not all merchants treat uneducated Indians fairly."

439 This incident may have accounted for some of our success as in-
452 dependent Indian traders. We, in turn, had to depend entirely upon
[672] the honesty of the Indian. He could neither be sued, nor could a judgment be levied against him.

000 Several years ago, two of my nephews were living with me and attending the university. One popular song you heard each time you tuned in on a radio program was "Don't Take Your Guns to Town, Son!" It was a plea of a mother to her son, just approaching young manhood, not to go to town armed, lest some gunman might see an easy way to get another notch on his gun and kill her offspring.

609 I told the boys I had once received much the same advice from an
452 old Indian from whom I tried to borrow a gun while I was badly scared. It was Wer-que-yah. It happened during another Grass Money payment at the same Cache reservation. This time Wer-que-yah's